IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA PAYNE, : No. 1:22CV559

Plaintiff

(Judge Munley)

:

v.

MEDICAL DIRECTOR BORA, et al.,
Defendant

ORDER

AND NOW, to wit, this ____ day of July 2024, before the court for disposition is Magistrate Judge Daryl F. Bloom's report and recommendation ("R&R") in the above-captioned case. The R&R suggests the disposition of the motion for summary judgment filed by Dr. Baddick, Dr. Pinky Bora Saikia, and Dr. Loscalzo (collectively "the medical defendants").

No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, the court finds neither a clear error on the face of the record nor a manifest injustice, and therefore, the report and recommendation shall be adopted. It is hereby **ORDERED** as follows:

- Magistrate Judge Bloom's report and recommendation of June 27, 2024
 (Doc. 84) is hereby ADOPTED;
- 2) The medical defendants' motion for summary judgment (Doc. 73) is granted in part and denied in part as follows: The motion is **GRANTED** as to plaintiff's medical negligence claim brought under Pennsylvania law and **DENIED** as to plaintiff's Eighth Amendment claim of deliberate indifference to his serious medical needs brought under 42 U.S.C. § 1983;
- 3) The Clerk of Court is directed to terminate John Doe #1 and John Doe #2 from the caption of this case; and
- 4) The Clerk of Court is directed to change the spelling of the remaining defendants' names on the caption of this case as follows: Martin Loscalzo, M.D. (incorrectly identified as Loscal); Peter Baddick, M.D. (identified as Medical Director Baddick); Pinky Bora Saikia, M.D. (identified as Medical Director Bora); and Jenna Williams, PA (identified as Williams).

BY THE COURT:

JUDGE JULIA K. MUNLEY United States District Court

2